REMARKS/ARGUMENTS

Status of the Application

Claims 1-76 are pending. Claims 14-66 are allowed. Claims 1-13 stand

rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by each of United States

Patents 6,448,987 (Easty) and 6,356,971 (Katz). Claims 67-76 stand rejected under 35 U.S.C.

§112, First Paragraph, as allegedly containing subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the art that the

inventor(s), at the time that application was filed, had possession of the claimed invention.

In view of the following remarks, Applicants respectfully request

reconsideration of the present application and an early Notice of Allowance.

35 U.S.C. § 112, Paragraph 1 Rejection

Claims 67-76 of the present application stand rejected under 35 U.S.C. § 112,

first paragraph as containing subject matter which allegedly was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention.

The Official Action states that Claims 67-76 allegedly fail to meet the written

description requirement as articulated by 35 U.S.C. § 112, paragraph one because "the

disclosure does not teach anything about the classification, search, or retrieval of the types of

objects recited [in claims 67-76]." Applicants respectfully disagree and submit that, although

the Specification does not disclose exemplary classification values for each of the objects

recited in claims 67-76, the recitation of such exemplary classification values is not necessary

to convey the claimed invention to one of ordinary skill in the art. Applicants assert that one

of ordinary skill in the art would have no difficulty in conceiving of a set of subjective

characteristics with which to classify the objects recited in claims 67-76. For example, with

respect to the motion picture recited in claim 67, Applicants assert that one of ordinary skill

in the art would have no difficulty in conceiving of subjective characteristics with which to

classify a motion picture such as, for example, acting talent, directing talent, writing talent,

etc.

Furthermore, Applicants kindly refer to the "Summary of the Invention" and

"Classifying Information" sections of the present application to offer proof that, indeed,

methods reciting the objects described in claims 67-76 are disclosed in a manner that one

skilled in the art would appreciate the invention as claimed at the time of the application.

Specifically, in the "Summary of the Invention", page 6, Lines 20-23, Applicants disclose the

following method,

> [A] method is provided matching information that describes a first
> object to stored information that describes a plurality of other objects
> that are similar to the first object, wherein the stored information
> comprises a plurality of classification values that distinguish among
> features of similar kinds of objects.

It is clear that this method contemplates the use of various objects, not any particular object.

With respect to the objects explicitly recited in Claims 67-76, Applicants refer to page 9,

Lines 19-24 ("Classifying Information" section), wherein Applicants disclose explicitly the

application of the inventive concepts (e.g. the above-described general objects method

recited in the "Summary of the Invention" Section) to those objects explicitly recited in

Claims 67-76. Specifically, in the "Classifying Information" section, Applicants state,

> [t]he invention is not limited ... and is ... applicable to other
> information or objects that are normally difficult to classify or describe
> in objective terms. Examples of other information or objects to which

> the invention may be applied include motion pictures, television
> programs, books, beverage, wine, works of art, perfume, game, food,
> piece of apparel, or even people, such as those who are fashion
> models, photographers' models, etc.

Hence, applying the method recitation found in the "Summary of the Invention" section to

the "Classifying Information" section's recitation of various objects for which the described

method may be applied, it is absolutely clear to one of skill in the art at the time of this

application that Applicants regarded claims 67-76 as their invention. Stated differently, the

present application discloses a method for classifying information about various objects,

wherein the objects may include but are not limited to motion pictures, television programs,

books, beverages, wine, works of art, perfume, game, food, piece of apparel, or even people

such as those who are fashion models, photographers' models, etc. Such recitation provides

sufficient written description as articulated by the above-described standard to clearly convey

to one skilled in the art the methods recited in claims 67-76.

From the foregoing, it is appreciated that claims 67-76 of the present

application meet the requirements of 35 U.S.C. § 112, first paragraph. On this basis,

Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejection be

withdrawn.

35 U.S.C. § 102(e) Rejection

The Easty Reference

Claims 1-13 were rejected under 35 U.S.C. §102(e) as being allegedly

anticipated by Easty. Applicants respectfully submit that the standard when determining

whether a reference is anticipatory is: "... *if the reference discloses, either expressly or*

inherently, every limitation of the claim." *Verdegaal Bros., Inc. v. Union Oil Co.,* 814 F.2d

628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). Moreover, *"[a]bsence from the*

reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible,*

Inc., 793 F.2d 1565, 1571, 230 U.S.P.Q. 81, 84 (Fed. Cir. 1986).

Applicants respectfully submit that Easty does not teach or suggest every

limitation of the claims 1-13 of the present invention. Specifically, Easty does not teach or

suggest, *"a plurality of classification values* that distinguish among features of musical

compositions", as recited by independent claim 1.

In contrast to applicants' invention as claimed in claims 1-13, Easty is

directed to a graphical user interface (GUI) for a "menu" that presents the menu as a circular

tool bar having two concentric rings containing associated content. The menu is arranged

such that the outer ring of the circular tool bar contains various categories of digital content

(e.g. music, books, etc.) and the inner ring of the circular tool bar operates to display a set of

sub-categories of the a selected category (e.g. if music is chosen as a category, then the inner

ring would display a set of "music genre" sub-categories including: rock, jazz, etc.). (See

Figures 1a-1c of Easty).

Importantly, the Examiner asserts that the set of music genre sub-categories

reads on the, "plurality of classification values" recited by claim 1. Applicants respectfully

disagree. Even if the set of music genre sub-categories is somehow construed to be a

"classification value", then Easty still discloses only *a single* classification value and not *a*

plurality of classification values as required by claim 1. In truth, Easty actually teaches away

from a plurality of classification values, because, for each selected category in the outer

circle, only *one* set of sub-categories may necessarily be included in the inner circle.

Accordingly, since Easty fails to teach *a plurality of classification values* that

distinguish among features of musical compositions, it fails to be anticipatory. On this basis,

Applicants respectfully request the withdrawal of the 102(e) rejection in respect to Easty.

The Katz Reference

Claims 1-13 were rejected under 35 U.S.C. §102(e) as being allegedly

anticipated by Katz. Applicants respectfully disagree.

Applicants respectfully submit that Katz does not teach or suggest every

limitation of the claims 1-13 of the present invention. Specifically, Katz does not teach or

suggest, "*a plurality of classification values* that distinguish among features of musical

compositions", as recited by independent claim 1.

In contrast to Applicants' invention as claimed in claims 1-13, Katz is directed

to a computing application for use in categorizing, organizing, and sorting multimedia data

files originating from one or more multimedia sources (e.g. CD carousel). (See Katz,

Summary of the Invention). The files have a number of corresponding fields (i.e. title, artist,

publisher, category, etc.). As the Examiner notes, Katz discloses performing a keyword

search within a particular field to identify a set of data files that match a particular

characteristic (Col 6, ln. 33-35).

Importantly, the Examiner alleges that the fields of Katz (i.e. title, artist,

publisher, category, etc.) read on the plurality of classification values recited by claim 1.

However, as clearly defined by the Specification, classification values are objective attributes

that are associated with *subjective* characteristics and features (See Summary of the

Invention, Pg. 5, ln. 6-8). By contrast, the fields of Katz, are *objective* characteristics of

musical compositions. Clearly, the artist, publisher, and title of a song are not matters of

subjective opinion, but are, rather, objective facts. Furthermore, even if the category field of

Katz (analogous to the genre sub-categories of Easty) is somehow construed to be a

subjective characteristic and, therefore, a classification value, then Katz still discloses only _a_

single classification value and not _a plurality_ of classification values as required by claim 1.

Accordingly, since Katz fails to teach _a plurality of classification values_ that

distinguish among features of musical compositions, it fails to be anticipatory. On this basis,

Applicants respectfully request the withdrawal of the 102(e) rejection in respect to Katz.
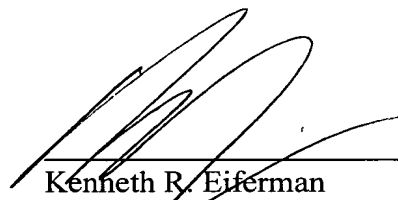
CONCLUSION

For all the foregoing reasons, Applicant respectfully submits that claims 1-76 stand in

condition for allowance. Reconsideration of the present Office Action and an early Notice of

Allowance are respectfully requested.

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